

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

JOHNNIE B. DENNIS,

Plaintiff,

v.

Case No. 6:17-cv-1971-Orl-37GJK

BREVARD COUNTY; and BREVARD
COUNTY COMMISSIONERS,

Defendants.

ORDER

This cause is before the Court on the following matters: (1) Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* (Doc. 9); (2) a Report and Recommendation (Doc. 16); and (3) Plaintiff's Objection (Doc. 17).

BACKGROUND

Pro Se Plaintiff Johnnie B. Dennis ("**Plaintiff**") first initiated this civil rights action on November 16, 2017, by filing his initial Complaint and a Motion for Leave to Proceed *In Forma Pauperis* ("**First IFP Motion**"). (Docs. 1, 2.) After the Court denied the insufficiently supported First IFP Motion (Doc. 7), Plaintiff filed another Motion for Leave to Proceed *In Forma Pauperis* (Doc. 9 ("**Second IFP Motion**"). One month later, on February 23, 2018, Plaintiff filed an Amended Complaint (Doc. 13). Subsequently, the action was transferred to the Undersigned (Doc. 14), and on March 23, 2018, United States Magistrate Judge Gregory J. Kelly ("**Judge Kelly**") issued a Report and Recommendation concerning disposition of the Second IFP Motion ("**Report**"). (Doc. 16.) Plaintiff objected

(Doc. 17 (“**Objection**”)), and the matter is now ripe for adjudication.

DISCUSSION

In accordance with 28 U.S.C. § 636, a district judge may refer matters to a magistrate judge for issuance of a report and recommendation. When a party files objections in accordance with Federal Rule of Civil Procedure 72(b)(2), the district judge must make a de novo determination of the portions of the report and recommendation to which an objection is made. Ultimately, the district judge may “accept, reject, or modify the recommended disposition.” *See* Fed. R. Civ. P. 72(b)(3).

Faced with a conclusory and confusing handwritten pro se pleading, Judge Kelly provided a thoughtful and thorough examination of Plaintiff’s asserted claims. (*See* Doc. 16.) Applying the correct legal standards and favoring Plaintiff with every possible positive inference, Judge Kelly concluded that the Court should deny the Second IFP Motion, dismiss the Amended Complaint, and permit repleader. (Doc. 16.) The Objection does not provide a coherent challenge to Judge Kelly’s careful and fair analysis; instead, Plaintiff accuses Judge Kelly of being “deplorable” and “using Jim Crow laws.” (Doc. 17.) The Court rejects Plaintiff’s meritless Objection and finds that the Report is due to be accepted.

CONCLUSION

Accordingly, it is **ORDERED AND ADJUDGED** that:

1. Plaintiff’s Objection (Doc. 17) is **REJECTED**.
2. The Report and Recommendation (Doc. 16) is **ADOPTED, CONFIRMED**, and made part of this Order.

3. Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* (Doc. 9) is **DENIED.**
4. The Amended Complaint (Doc. 13) is **DISMISSED WITHOUT PREJUDICE.**
5. On or before **May 9, 2018**, Plaintiff may file a Second Amended Complaint in accordance with this Order and Judge Kelly's Report and Recommendation (Doc. 16).
6. Absent timely compliance with the Court's Orders and diligent prosecution of this action, the Court will direct the Clerk to close this file without further notice.

DONE AND ORDERED in Orlando, Florida, this 24th day of April, 2018.




ROY B. DALTON JR.
United States District Judge

Copies to:

Counsel of Record
Pro Se Party